

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

*In re* Flint Water Cases.

Judith E. Levy  
United States District Judge

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This Order Relates To:

*Rogers v. Snyder*, Case No. 18-cv-  
10713

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**ORDER REGARDING MATTERS DISCUSSED AT THE JULY 29,  
2020 STATUS CONFERENCE AND GRANTING MOTION TO  
AMEND COMPLAINT [97-1]**

The Court held a status conference regarding its pending Flint Water litigation on July 29, 2020. The Court now orders as follows:

**I. *Waid v. Snyder*, Case No. 16-cv-10444**

Putative Class Plaintiffs filed a motion to seal (ECF No. 1204) portions of their motion for class certification. For the reasons set forth on the record, the motion was granted in part and denied in part. Putative Class Plaintiffs may not redact the following lines from their exhibits:

- Exhibit 82, PageID.34288, lines 10–24.

- Exhibit 83, PageID.34305, lines 2–4; PageID.34312, lines 10–24; PageID.34313, lines 1–4, 8–14; PageID.34314, lines 12–24; PageID.34315, lines 1–2.
- Exhibit 90, PageID.34334, lines 19–24, except for the doctor’s name.
- Exhibit 94- Everything should be unredacted except for the name of the minor and the doctor’s name.
- Exhibit 96- PageID.34361, lines 5–22.

Putative Class Plaintiffs filed a new motion for class certification on July 16, 2020 (ECF No. 1207), after complying with the Federal Rules of Civil Procedure and Local Rules on redactions. As such, the earlier pending motion for class certification (ECF No. 1176) is stricken.

For the reasons set forth on the record, the Court grants Putative Class Plaintiffs’ motion to amend their complaint to add two new class representatives. (ECF No. 1175.) Putative Class Plaintiffs must follow Federal Rule of Civil Procedure 41(a)(2) to request a plaintiff’s status as a named class representative is terminated.

MDEQ Defendants proposed that they be placed on the same schedule as the State Defendants as set forth in the stipulated motion

submitted by the parties detailing the Court's orders. (ECF No. 1215.) The schedule for filing motions for summary judgment will be determined at a later date.

## **II. *Rogers v. Snyder*, Case No. 18-cv-10713**

On June 30, 2020, the Court issued a show cause as to why the case *Rogers v. Snyder* should not be dismissed for failure to prosecute and failure follow the Court's order. (18-cv-10713, ECF No. 94.) Counsel for *Rogers* responded on July 17, 2020 and included a motion to amend the complaint. (18-cv-10713, ECF No. 97-1.) For the reasons set forth on the record, the Court granted the motion to amend the complaint in *Rogers*. Defendants need not file new motions to dismiss, but by August 12, 2020, they may file supplemental briefs addressing any new arguments from the amended complaint.

## **III. Video Discovery Conferences**

The following dates are set for a video discovery conference as needed: August 5, 2020 at 2:00pm and August 12, 2020 at 3:30pm. The Court will provide video teleconference connection information in the pre-conference agendas that will be entered in Case No. 16-cv-10444.

#### **IV. Depositions**

In addition to the issues above that were discussed at the status conference, the mediators have requested that the Court temporarily stay certain party depositions so that the parties may have more time to focus on mediation efforts. Accordingly, the following party depositions will be stayed:

- Howard Croft
- Thomas Saxton
- State of Michigan 30(b)(6)

The above-listed party deponents shall make themselves available for their depositions on mutually agreeable dates during the month of September. All currently scheduled, non-party depositions are not subject to this stay. This stay does not impact any dates or deadlines in the Fourth Amended Case Management Order (ECF No. 1162) or any other discovery deadlines.

#### **V. Scheduling of Next Status Conference**

The next status conference will be held on **Wednesday, August 26, 2020** at 2:00pm. Parties are to file proposed agenda items in Case No. 16-cv-10444 by August 12, 2020. Individual liaison counsel should collect proposed agenda items from all counsel representing individual plaintiffs

and submit those proposed items as a single filing. The Court will issue an agenda by August 19, 2020.

IT IS SO ORDERED.

Dated: August 3, 2020  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 3, 2020.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager